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Note on international protection

Report of the High Commissioner

Summary

The theme of this year's note on international protection is the rule of law and its significance for UNHCR's work and for international protection and solutions. The note also reviews global developments since the last update, covering the period from June 2014 to June 2015. More in-depth information on advancements in areas not fully covered by this note may be found in: EC/66/SC/CRP.17 (community-based protection and age, gender and diversity); EC/66/SC/CRP.11 (statelessness); EC/66/SC/CRP.12 (alternatives to detention); and EC/66/SC/CRP.15 (solutions strategies). These documents are available from http://www.unhcr.org/standingcommittee.

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I. Introduction

1. The past year was one of the most challenging in UNHCR's history, with an accelerated rise in global forced displacement. It was marked by a multiplication of new crises and continuation of existing emergencies, with the number of people displaced by conflict, violence, persecution and human rights violations reaching unprecedented levels.

2. Looking back, the scorecard on protection remained mixed, even contradictory. While many countries maintained open borders and generously hosted large numbers of refugees, despite the social and economic implications, there has also been a shrinking of asylum space and challenges in securing access to territory and protection in all regions of the world. Facing increasing protection risks, including sexual and gender-based violence (SGBV) and the forced recruitment of children, more and more refugees and asylum-seekers attempted dangerous journeys over land and across sea to reach safety. Internally displaced persons (IDPs) were denied protection in many places, and while significant strides were made in addressing and preventing statelessness, instances of arbitrary deprivation of nationality also took place. Against this backdrop, the need for a strong international protection regime has never been more apparent.

3. There has been increased debate surrounding asylum and migration in many countries, sometimes driven by misinformation, distorted perceptions and fears rather than by careful consideration. In this atmosphere, the concept of the rule of law[1] – reflecting the very foundations and building blocks on which societies have been constructed – provides a framework around which appropriate responses to the challenges posed by forced displacement and statelessness need to be addressed. The notion of the rule of law is grounded in a just and equal society. To break the cycle of political instability, persecution and conflict which lead to displacement, it is crucial to strengthen national institutions and governance, as well as to eliminate inequalities and abuse. These and other aspects of the rule of law are explored throughout this note.

II. Overview of emergencies

4. The reporting period was characterized by new, continuing and escalating conflict, generating complex emergencies involving massive internal displacement in many countries and across borders. Adding to the pressures of existing crises in the Central African Republic, Nigeria, South Sudan, the Syrian Arab Republic and Ukraine, violence resurged in Burundi, Iraq, Libya and Yemen. All of these situations are characterized by rule of law deficits. UNHCR supports measures to assist States in strengthening their systems of governance and responses related to displacement based on rule of law principles.

5. The contribution of host States in providing protection and assistance in emergencies, with support from UNHCR and its partners, is critical. Over the past year, UNHCR continued to implement its refugee coordination model and the joint UNHCR-OCHA note on mixed situations, which provide the framework for leadership in both

[1] In the United Nations, the rule of law concept refers to the principle of State governance in which all persons, institutions and entities, public and private, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. This includes measures to ensure equality before the law, fairness in the application of the law, the avoidance of arbitrariness, and procedural and legal transparency.

refugee operations and situations where a complex humanitarian emergency is taking place. By clarifying roles and responsibilities, the refugee coordination model makes UNHCR's approach to coordination more predictable and inclusive, and helps ensure that refugees and other populations of concern receive the protection and assistance they need. In support of the refugee coordination model, the High Commissioner designated six Regional Refugee Coordinators for the Burundi, Central African Republic, Iraq, Nigeria, South Sudan and Syria situations.

6. The war in the Syrian Arab Republic, which has now entered its fifth year, continues to cause loss of life and displacement on a large scale. Within the country, there are an estimated 12.2 million Syrians in need of protection and assistance, including 7.6 million IDPs. The number of Syrian refugees increased by more than 1.5 million refugees in 2014, bringing the total close to 4 million by mid-2015, of whom some 85 per cent reside outside camps. The host countries of Egypt, Iraq, Jordan, Lebanon and Turkey continued to provide protection and assistance to Syrian refugees. An increasing number of Syrian refugees, and Palestinian refugees fleeing the conflict in the Syrian Arab Republic, are seeking safety further afield, including through dangerous sea journeys.

7. More than half of the Syrian refugee population is under 18 years of age. UNHCR and its partners worked to strengthen protection and assistance for Syrian refugee children by supporting their inclusion in national child protection and education systems; engaging children and their families in the design and implementation of programmes; and providing specialized services to children with specific needs. In 2014, some 785,000 refugee children received psychosocial support and more than 34,000 children with specific needs benefited from specialized services.

8. The intensified conflict in Iraq has resulted in an additional 2.8 million IDPs, adding to some 900,000 who were already internally displaced in the country. Over 712,000 IDPs live in 426 camps and settlements, with most living in sub-standard conditions, lacking the most basic services. In support of the Iraqi authorities, UNHCR provides live-saving assistance, registration and documentation, and protection for the most vulnerable. There has also been an influx of Iraqi refugees and asylum-seekers elsewhere in the region, including Egypt, the Islamic Republic of Iran, Jordan, Lebanon, the Syrian Arab Republic, and Turkey, with nearly 190,000 registered by March 2015.

9. In Yemen, the security situation deteriorated significantly, with growing protection challenges as a result of weakened rule of law. The crisis has generated new waves of internal displacement and an outflux of Yemenis and persons of other nationalities, many of whom arrived in Djibouti and Somalia. A significant number crossed the Gulf of Aden in the reverse direction. UNHCR's programming to address the worsening humanitarian situation in the country has been limited to emergency and life-saving protection and assistance for the most vulnerable, where access is possible.

10. The situation in Libya remains volatile, with rising insecurity and criminality. There are an estimated 400,000 IDPs in the country, with some displaced multiple times as fighting spread to new areas. Access continues to be a concern, with humanitarian organizations unable to reach some areas. UNHCR leads all protection-related activities and coordinates the Libya protection working group, which was set up for organizations working from Tunis to support national colleagues inside the country. The already limited protection space for asylum-seekers and refugees in Libya has shrunk further as a result of the deteriorating security environment and breakdown in law, with rising xenophobia.

11. The deployment of United Nations peacekeeping forces in September 2014 brought hope for the gradual re-establishment of security in the Central African Republic. However, ongoing fighting between rival factions and human rights abuses targeting civilians continued to cause massive displacement. Since the fighting began in December 2013, 220,000 Central Africans fled the country, bringing the total number of refugees in

the neighbouring countries of Cameroon, Chad, the Congo and the Democratic Republic of the Congo to 465,000 as of May 2015. Some 463,000 remain internally displaced within the Central African Republic.

12. In South Sudan, fighting continues to displace thousands of people every week, despite renewed efforts to drive the peace process forward. Some 676,000 South Sudanese refugees are hosted in neighbouring countries and some 1.5 million are displaced inside the country. The humanitarian community is facing a number of challenges, including lack of land to host the rapidly increasing number of refugees, food ration cuts in Kenya and Uganda, and limited access to IDPs.

13. Nigeria experienced a rise in extremist violence and indiscriminate attacks against civilians in the three northern regions of Borno, Adamawa and Yobe, resulting in the internal displacement of over 1 million persons in Nigeria and some 130,000 refugees in neighbouring countries. Cross-border attacks into Cameroon, Chad and Niger presented security challenges for the region.

14. Pre-election violence in Burundi threatened to undo progress made since the country's civil war ended in 2005, after more than a decade of conflict, with over 105,000 Burundians having fled to the Democratic Republic of the Congo, Rwanda and the United Republic of Tanzania by mid-May 2015. UNHCR prioritized life-saving emergency protection and assistance, as well as contingency planning should the violence worsen.

15. The outbreak of the Ebola virus in West Africa in mid-2014 represented an entirely new element in UNHCR's emergency response. In the refugee-affected areas in Guinea and Liberia, UNHCR ensured that persons of concern were included in national prevention and response plans. Measures were also undertaken to prevent infection in the camps, including awareness-raising and the establishment of early detection mechanisms, and support was provided to the local response mechanisms in each country. The spread of the virus also resulted in the suspension of the voluntary repatriation programme for Ivorian refugees from Liberia, though this is now scheduled to resume in mid-2015, with the recently-announced eradication of Ebola in Liberia.

16. Despite other emergencies, the Afghan refugee situation remains among UNHCR's top concerns. Over the past few years, the rate of return to Afghanistan has been decreasing significantly. However, the recent political developments in the country offer greater opportunities to pursue durable solutions for the Afghan refugee population. UNHCR is working closely with the Government to ensure that the conditions for sustainable return and reintegration are in place. The Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries, developed by the Governments of the Islamic Republics of Afghanistan, Iran and Pakistan, with support from UNHCR, remains an important framework for achieving this goal. The Office is working to reinvigorate support for the strategy.

17. In Myanmar, the ceasefire agreement, currently under negotiation, would represent a significant step towards ending decades of unrest. There are an estimated 265,000 refugees from Myanmar in the neighbouring countries. For the refugees in Thailand, UNHCR has intensified dialogue with stakeholders on both sides of the border in the design of a strategic roadmap for voluntary repatriation. In preparation, a verification exercise has just been completed in the refugee camps. Meanwhile, over 400,000 people remain displaced within Myanmar, many of whom were forced to flee in recent years following conflict in Kachine and northern Shan States and intercommunal clashes in Rakhine State. Within the inter-agency framework, UNHCR is leading the protection, shelter, camp coordination and management, and non-food item clusters, while continuing the search for durable solutions for all persons of concern.

18. Since the conflict broke out in Ukraine in 2014, over 2 million have been displaced, of which 1.2 million IDPs have been registered by the Ministry of Social Policy and 830,000 have sought protection in neighbouring countries. Civilians and IDPs have had their rights significantly limited through a series of regulations. The humanitarian situation of people living in non-government controlled areas is particularly worrying. This includes restrictions on freedom of movement, which often prevents civilians from reaching safety, trapping them within conflict zones with very limited access to essential goods and services. The economic situation has also impacted access to housing and livelihoods. In addition to providing technical advice on new IDP legislation and advocating protection for IDPs, UNHCR's response has included providing cash grants, non-food items and shelter assistance, with support from partner organizations.

19. In Central America, Honduras, El Salvador and Guatemala continued to be affected by violence perpetrated by transnational criminal groups, posing serious risks to local populations and affecting regional security. As a result, the number of asylum applications from these three countries almost doubled in 2014 compared to 2013. UNHCR estimates that approximately half of the unaccompanied and separated children in this region left their countries of origin in search of international protection. UNHCR plans to undertake a study on the rule of law challenges and other drivers of displacement for women and children in the region and is enhancing its presence in Central America.

20. Despite significant challenges, the peace dialogue in Colombia has brought the country closer than ever before to ending the 50-year conflict. However, ongoing violence continues to lead to displacement. According to official figures, 6.3 million people have been displaced over the course of the conflict and, during the reporting period, an average of 900 Colombians crossed into Ecuador each month, seeking international protection.

21. Climate change and related natural disasters are challenging protection responses and contributing to the drivers of displacement, while scarce natural resources, such as drinking water and arable land, are leading to food insecurity. UNHCR has contributed to the Nansen Initiative on Disasters and Cross-Border Displacement, which is a State-led consultative process that encourages a more coherent and predictable approach to protecting people displaced as a result of these phenomena. As the Nansen Initiative enters its final months, UNHCR looks forward to endorsement by States of the draft "Protection agenda for cross-border displacement," which outlines the way in which States can address gaps in the international legal framework.

22. Protection at sea, which has figured significantly on UNHCR's agenda during the year, is discussed in chapter IV (b) below.

III. Rule of law at the international level

23. The principle of the rule of law provides a conceptual framework to respond to contemporary displacement and statelessness challenges. Crafted through international treaties, general principles and customary law, the international protection regime reflects and expresses a form of "constitutional code of conduct" through which this may be achieved.

24. The Statute of UNHCR, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the various regional refugee and IDP instruments, as well as relevant provisions of human rights and other instruments all form part of the overall legal framework setting out the rights of refugees, IDPs and stateless persons, and the responsibilities of States to provide protection and assistance. The principle of non-refoulement remains the cornerstone of the international refugee protection regime and constitutes a rule of customary international law.

25. The commitment of States to the protection of refugees and stateless persons is demonstrated by the large number of States parties to either or both of the 1951 Convention and its 1967 Protocol (currently 148) and the growing number of accessions to the two statelessness conventions. There were 13 new accessions to the statelessness conventions in 2014, bringing the number of States parties to the 1954 Convention to 86 and the number of States parties to the 1961 Convention to 63. Yet the number of States parties to the statelessness conventions remains relatively low, while there are a sizeable number of States parties that retain reservations to certain provisions in the 1951 Convention. In a welcome development, in 2014 Mexico withdrew reservations to Article 32 of the 1951 Convention and Article 31 of the 1954 Convention.

26. The Executive Committee's conclusions on international protection also make an important contribution to the international protection regime, advancing common understandings and standard-setting in many areas of protection and solutions. UNHCR invites the Executive Committee to give renewed attention to the adoption of conclusions on international protection. Potential themes could include reception and alternatives to detention, machine-readable travel documents, engagement and empowerment of youth, and self-reliance from a solutions perspective.

27. With respect to IDPs, the UN Guiding Principles on Internal Displacement guide States and other actors in providing protection and assistance to this population, drawing on existing international human rights and humanitarian law standards. December 2014 marked the second anniversary of the entry into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), although there were no new accessions during the reporting period.

28. In terms of other regional initiatives, the adoption of the Brazil Declaration and Plan of Action in December 2014 reaffirmed the commitment of Latin American and Caribbean States to upholding the highest protection standards, implementing innovative solutions for refugees and other displaced persons and ending the plight of stateless persons.

29. From the perspective of its mandate, UNHCR supports initiatives aimed at developing and advancing the rule of law. It promotes common understanding of international standards through protection guidelines, technical advice and support to States and partners, research, data collection, court interventions, and monitoring and evaluation. UNHCR also supports the work of the United Nations human rights mechanisms, contributing, for example, annually to the Universal Periodic Review and other special procedures and mechanisms.

IV. Rule of law at the national level and protection systems

30. At the national level, respect for the rule of law requires States to provide a safe and rights-respecting environment, supported by a functioning judicial sector and other accountability structures. In response to displacement and statelessness, this means that domestic laws and policies need to be framed fairly and non-arbitrarily, taking into account age, gender and diversity considerations. Strong national law and policies governing displacement can lead to more effective responses in situations of crisis. By aiming to achieve legal certainty in the application of rules, as well as accountability, equity and transparency in governance, national protection systems based on the rule of law ensure that the displaced can exercise their rights freely, in accordance with the law. Civil society, the legal community and persons of concern play an important role in working with States and UNHCR to identify challenges and potential responses, and to advance accountability.

31. Protection systems built on the rule of law contain legal and policy frameworks that meet international standards and are supported by an administration of officials trained to employ a protection-sensitive approach. These systems allow access to territory and justice without discrimination and ensure the fair and efficient assessment of asylum claims. Furthermore, they ensure that refugees, asylum-seekers and stateless persons are able to exercise their rights and receive appropriate standards of treatment, with attention to specific needs.

A. Legislative and policy frameworks

32. The modern institution of asylum finds its expression in various international and regional human rights and refugee instruments. Article 14 of the 1948 Universal Declaration of Human Rights established the right to seek asylum, and the 1951 Convention supports its realization. The principle of asylum is also reflected in many national constitutions, including in Tunisia, where the newly adopted constitution guarantees the right to asylum.

33. Most States parties to the 1951 Convention and/or its 1967 Protocol have enacted relevant national laws. However, where such laws are not fully implemented or are frequently amended, the rule of law principle of legal certainty is undermined. At the same time, it is important that asylum laws are adequately reviewed and updated to ensure that they can address contemporary challenges. This facilitates oversight and helps prevent ad hoc approaches.

34. At the end of 2014, some 40 States were in the process of drafting or revising national refugee-related laws. A total of 19 laws were adopted during the reporting period, including in Albania, Rwanda and Sudan, which adopted laws on asylum. In Turkey, the Government issued a regulation on temporary protection. Many European Union Member States made progress in transposing into national law the recast asylum directives under the Common European Asylum System. Despite these advancements in some countries, there were worrying developments in others, including through the introduction of restrictive legislation or policy.

35. The concept of asylum can be traced back to ancient religious texts and traditions governing hospitality. Many refugee-hosting countries have not yet signed the 1951 Convention, yet their actual policies reflect many of the tenets of the 1951 Convention and demonstrate a generosity towards people seeking asylum that is deeply rooted in their traditions. Nevertheless, all countries are urged to accede to the refugee instruments. The rule of law is not only about predictability within States, it is also constructed on a common understanding between and among States. Predictability and accountability at the international level can help achieve cohesive protection responses and international solidarity underlies the entire protection regime.

36. In relation to statelessness, UNHCR is publishing a series of "good practices" papers to help States, with the support of other stakeholders, achieve the goals of its campaign launched in 2014 to end statelessness within 10 years. Each paper corresponds to one of the 10 actions proposed in the global plan of action developed to realize the objectives of the campaign. In 2015, UNHCR issued a "good practice paper" on removing gender discrimination from nationality laws. Related to this development, Niger and Suriname took concrete steps to remove gender discrimination from nationality laws. The Office has also issued good practice papers on accessions to the statelessness conventions and on resolving existing situations of statelessness. UNHCR and the Inter-Parliamentary Union released an updated version of the handbook for parliamentarians on nationality and statelessness, which supports governments in enacting legislative change by providing

examples of recent action taken by other States. In respect of nationality rights, the rule of law and the principle of non-discrimination require the equal treatment and equal exercise of rights between women and men.

37. In 2014, relatively few States undertook legal and procedural reforms to reduce or end statelessness on their territory, and a lower than average number of stateless people acquired nationality. In 2014, Georgia, after acceding to the 1961 Convention, reformed its nationality legislation. Turkey acceded to the 1954 Convention in 2014 and then established a statelessness determination procedure.

38. In some countries confronted with internal displacement, domestic legislation does not necessarily address the protection and assistance needs of IDPs. Several States developed, with UNHCR's support, national legislation or policies on internal displacement, most recently in Afghanistan, the Democratic Republic of Congo, Kenya, Nigeria, the Philippines, Somalia and Ukraine.

B. Access to asylum and reception arrangements

39. International protection, including protection from refoulement, begins with the ability of refugees and asylum-seekers to secure admission to territory. While many countries bordering the world's crisis zones demonstrated their commitment to international protection by keeping their borders open to refugees, other States confronted with security concerns and anti-foreigner rhetoric put in place restrictive measures to curb access to asylum. Closed borders, visa restrictions, increased surveillance measures and push-backs heightened the risks for people seeking safety in some countries. The inaccessibility of legal channels to travel has also led to growing reliance on smugglers and increased protection risks, including trafficking. Many deterrent and punitive measures, including non-consensual transfer and relocation agreements between countries, were preoccupying trends in some regions.

40. The challenges of protecting those travelling in mixed movements by sea are complex and ever more urgent with the increasing loss of life. In South-East Asia, it is estimated that some 88,000 persons undertook such journeys between January 2014 and March 2015. Meanwhile, movements across the Mediterranean towards Europe continued to exact a devastating toll on human life. In 2014, the number of people arriving by sea was estimated at 218,000 and some 3,500 people died or were reported missing in the Mediterranean. So far in 2015, there have been some 96,000 arrivals in Europe and over 1,850 lives lost at sea. Some 150 people were reported to have perished crossing the Gulf of Aden and some 100,000 arrived on the shores of Yemen during the reporting period.

41. Deaths at sea can only be fully addressed through collective will and commitment to saving lives based on agreed frameworks and protection principles. UNHCR's global initiative on protection at sea, which underpinned the High Commissioner's 2014 Dialogue on Protection Challenges, aims to support States to reduce the loss of life at sea; prevent exploitation, abuse and violence; and establish protection-sensitive responses. A strong consensus emerged from the High Commissioner's Dialogue that focusing only on deterrence or acting unilaterally would not stop the phenomenon but, instead, exacerbate the dangers endured and merely modify travel routes. UNHCR partnered with the International Chamber of Shipping and the International Maritime Organization to publish an updated version of a guide on rescue at sea and the principles and practice as applied to refugees and migrants. This guide may be understood as a rule of law tool, designed to establish predictability in rescue and disembarkation based on common practices and international legal principles.

42. The commitment to the rule of law in the context of movements by sea also relies on international solidarity and genuine burden and responsibility-sharing. UNHCR welcomes the European Union's tripling of resources for the Frontex-led "Triton" and "Poseidon" operations aimed at strengthening search and rescue in the Mediterranean, as well as the recently issued European Agenda on Migration, which includes an emergency relocation scheme for asylum-seekers in need of international protection from Greece and Italy to other countries in the European Union. In addition, an EU-wide resettlement scheme for 20,000 refugees is also being developed for those in need of international protection outside the European Union. The European Agenda on Migration also contains a labour mobility package and a new "skills initiative." UNHCR stands ready to further assist EU States in developing alternative legal pathways for persons of concern to reach safety. It also advocates similar measures to be adopted in other regions affected by mixed flows at sea, notably in South-East Asia.

43. UNHCR continues to support States in the implementation of the "10-Point plan of action on refugee protection and mixed migration." In Africa, UNHCR contributed to the development of the African Union-Horn of Africa initiative on human trafficking and smuggling of migrants. This led to the Khartoum Declaration and a strategy and plan of action that emphasize the sharing of best practices, greater cooperation at the regional and international levels, and the development of national strategies to address smuggling and trafficking. In 2014, the Regional Maritime Movements Monitoring Unit was established at UNHCR's Regional Office in Bangkok, with the objective of improving knowledge of mixed movements by sea in South-East Asia and informing more timely operational responses. Together with the International Organization for Migration (IOM), UNHCR supported the authorities in Yemen in the implementation of the recommendations contained in the 2013 Sana'a Declaration. The 2014 Brazil Declaration and Plan of Action recognize the challenges of addressing mixed migration in the Caribbean and foresee the establishment of a regional mechanism for consultation and response. All of these initiatives have reinforced inter-agency coordination, information-sharing and awareness-raising aimed at addressing the risks that refugees and asylum-seekers face from smuggling and trafficking networks. In 2015, UNHCR assumed the chairmanship of the Inter-Agency Coordination Group against Trafficking and also published a "Progress report on trafficking and smuggling from the East and Horn of Africa" and a trends analysis on refugee protection and international migration.

44. Consistent with international refugee and human rights law and standards, the detention of asylum-seekers should in principle be avoided. Instead, alternatives to detention that allow asylum-seekers to reside in the community, subject to certain conditions or restrictions, while their status is being resolved, are an essential component of legal systems based on the rule of law. UNHCR welcomes a number of positive developments in this area, including: the 2014 Inter-American Court on Human Rights advisory opinion on children, which highlights that the detention of children for migratory purposes should be the exception rather than the rule; Malta's commitment to end the detention of children; steps taken by Canada to further develop alternatives to detention at the national level; and the recommendation of the Parliamentary Inquiry Panel in the United Kingdom of Great Britain and Northern Ireland, which called for the introduction of a 28-day maximum time limit on detention.

45. To support States with such efforts, UNHCR launched in 2014 its global strategy "beyond detention" 2014-2019. Twelve focus country offices began working with authorities and partners to prepare national action plans. UNHCR also published options papers on alternatives to detention, which contained over 30 good practice examples, and held the second global roundtable on alternatives to detention in Toronto, Canada in April 2015, where States and civil society partners shared their experiences in this domain. Together with the Association for the Prevention of Torture and the International Detention

Coalition, UNHCR published a monitoring immigration detention practical manual, which aims to support the improvement of conditions in detention through independent visits. UNHCR held its first training for staff on the use of the manual, with support from the Inspectorate of Prisons of the United Kingdom of Great Britain and Northern Ireland. UNHCR also contributed to the UN Human Rights Committee's general comment N° 35 on liberty and security, which outlines what obligations States have to avoiding arbitrary detention.

C. Status determination

46. Refugee status determination procedures, based on fair standards and consistency in decision-making, are essential for the integrity of national asylum systems based on the rule of law. In line with its supervisory responsibilities, UNHCR continued to reinforce its handbook on procedures and criteria for determining refugee status through the development of thematic guidelines on international protection and other legal and policy guidance. It also issued its first handbook on the protection of stateless persons, which contains a section on status determination for this population. Consistent adjudication is also supported by UNHCR's country-related guidance, including eligibility guidelines and non-return advisories.

47. UNHCR maintained its engagement with States on quality assurance projects on status determination in many European and Latin American countries. One issue tackled by quality audits is credibility assessment. This was the subject of an expert roundtable held in Budapest in January 2015, aimed at improving asylum decision-making in the European Union. The Supreme Court of the United Kingdom of Great Britain and Northern Ireland's confirmation in 2014 that decision-makers should give considerable weight to UNHCR's mandate decisions was welcomed, as were a number of important judgments of the European Court of Human Rights and the Court of Justice of the European Union.

48. While many countries have functioning refugee status determination procedures in place, in other countries, UNHCR continues to carry out this key responsibility. Refugee status determination should be integrated into a broader framework of the rule of law, and be linked to adequate reception conditions and opportunities for durable solutions. Only States are able to do this, which raises concerns about the considerable responsibility falling on UNHCR in this regard and the sustainability of the Office's role in the longer term. For refugees whose status has been determined by UNHCR under its mandate, only 1 per cent will benefit from resettlement. Absent any official status in the country concerned, they will continue living in a situation of legal uncertainty, dependent on assistance and exposed to protection risks, including exploitation. In a record-high, UNHCR offices worldwide registered 245,700 individual asylum requests in 2014, 80 per cent of which were received in eight operations. UNHCR reiterates its call to States to assume responsibility for status determination – for both refugees and stateless persons – and stands ready to support these efforts through capacity-building, technical assistance and other measures. In the meantime, UNHCR continues to further strengthen the efficiency and integrity of its mandate procedures.

49. An important related development has been the issuance of UNHCR's first data protection policy in May 2015, replacing the internal confidentiality guidelines. This new policy comprehensively covers all aspects related to data protection for persons of concern, updating positions in light of current realities and legal developments, and seeking to ensure proper implementation in field operations.

50. Approximately a dozen countries have statelessness determination mechanisms and there is evidence of growing interest in establishing determination procedures globally. Turkey established a determination procedure in 2014, while Argentina, Brazil, Costa Rica, Iceland, the Netherlands, Panama and Uruguay were all working towards the creation of such procedures.

D. Capacity-building

51. Strengthening the capacity of decision-makers, including border guards, judges, law enforcement and other officials, to properly manage international protection cases, contributes to an effective protection system. As part of its rule of law activities, UNHCR works to improve awareness of and adherence to international protection standards through, for example, the annual refugee law and IDP courses for government officials at the International Institute of Humanitarian Law in San Remo, Italy, from which more than 280 persons benefited in 2014. UNHCR also supported the publication in 2015 of the 7th edition of the Refugee Law Reader, an online university teaching guide; contributed to guidance for the judiciary developed by the European Asylum Support Office; and engaged in dialogue with members of the International Association of Refugee Law Judges and regional courts. UNHCR's capacity-building work covers a wide range of initiatives, including training for law enforcement and border officials on the identification and protection of persons of concern in mixed flows in Djibouti; courses on statelessness in the Americas, Asia and the Middle East (one of which was developed jointly with the United Nations Children's Fund (UNICEF)); and training for police officers on forensic evidence collection and preservation in camp and host communities in Ghana.

E. Rights-based approach to the rule of law

52. A rights-based approach to the rule of law requires clarity on rights and responsibilities and the assurances of protection in a non-arbitrary environment. Globally, much progress has been made in advancing these notions in practice, although challenges remain in many locations.

53. Documentation is fundamental to the ability of persons of concern to exercise their rights, whether as refugees, IDPs, returnees or stateless persons. Without identity documents, these individuals may not be able to access essential services, such as health care and education, exercise property rights, and vote or obtain a passport. With this in mind, UNHCR expanded biometric registration in Egypt, Iraq, Jordan and Lebanon. The Office also welcomes measures taken by States to facilitate documentation, including the scaling-up of registration and documentation in Jordan and Turkey; mobile registration exercises in Venezuela (the Bolivarian Republic of); and the provision of documentation to returnees in Angola. With respect to the issuance of machine-readable Convention travel documents, UNHCR continued to collaborate with the International Civil Aviation Organization.

54. Birth registration is also an essential human right and a key child protection tool, as reflected in the Executive Committee conclusion on international protection No. 111 (LXIV). It helps prevent statelessness and enables access to services. Birth registration was highlighted as an important child protection measure in the "Sharjah principles" adopted at the Middle East and North Africa's first regional conference on protecting refugee children and adolescents, which took place in 2014 in the United Arab Emirates.

55. Ensuring that refugees have access to essential services is also reflective of a rights-based approach. In the countries hosting Syrian refugees, for example, the United Nations regional response plan (RRP6) maintains protection as its core objective, including access to essential services and material assistance to support the most vulnerable. However, the needs continue to grow and UNHCR advocates that assistance be provided in a sustainable manner that reduces the risk of aid dependency and bridges the gap until longer-term self-sufficiency can be restored. In support of refugee self-sufficiency, the temporary protection regulation in Turkey provides a range of rights for registered Syrians both in and outside the camps, including the ability to access the labour market. In the recast of the European Union Reception Conditions Directive, UNHCR welcomed the reduction of the waiting period for asylum-seekers before they are able to work.

56. UNHCR issued a new policy on alternatives to camps in July 2014, which promotes the creation of opportunities for refugees to live lawfully and independently in their communities and to be self-reliant. In many countries, formal and regulated access to the labour market is not provided, even though this would allow refugees to contribute positively to their host communities. UNHCR's global strategy for livelihoods 2014-2018 encourages an enabling environment for protection, which assists refugees in gaining lawful access to markets and supporting them to acquire the human, financial, social and physical capital required to work productively and to secure the basic necessities of life, such as food, water and shelter. The strategy has been rolled out in 15 country operations, where innovative ways of connecting refugees with employment opportunities were tested.

57. States, parliaments, courts, civil society as well as national human rights institutions play important roles in creating an environment in which refugees and IDPs are welcomed and their rights protected. In Afghanistan, Colombia, the Philippines and Uganda, UNHCR worked closely with national human rights institutions to enhance protection for IDPs. In some operational contexts, national human rights institutions participated in the inter-agency protection cluster mechanisms. UNHCR worked with the Kenyan Human Rights Commission in 2014 on the organization of a dialogue with Kenyan women on gender equality, identifying ways to enhance implementation of the country's revised nationality legislation.

F. Specific needs

58. Special protection measures for refugees at risk and other vulnerable individuals, such as victims of trafficking, have been established in law in many countries. In coordination with partners, UNHCR has continued to assist countries in building national protection systems based on the rule of law that promote gender equality and community-based interventions. UNHCR worked closely on the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) general recommendation on the gender-related dimensions of refugee status, asylum, nationality and statelessness adopted in 2014. In Europe, UNHCR was pleased to note the entry into force of the Council of Europe Convention on preventing and combating violence against women and domestic violence, which underscores the principle of non-refoulement and recognizes gender-related persecution as grounds for refugee status.

59. SGBV risks are often exacerbated as a result of protracted displacement, which can lead to family separation, negative coping mechanisms and lack of privacy. UNHCR continued to strengthen SGBV prevention and response by promoting gender equality, supporting national protection mechanisms, improving information gathering and analysis, strengthening advocacy and widening partnerships, including with the concerned communities. Major efforts were made in this area in response to the Syria crisis, where 90,000 survivors of SGBV received assistance in refugee host countries.

60. Ensuring that refugee children are included in national child protection and education systems have proved to be the most effective and sustainable way – even in emergency settings – to address the multiple protection risks that children face and to ensure access to quality education. In 2014, a number of States extended legal protection to safeguard the rights of refugee children. For example, a new law on the rights of children and adolescents was adopted in Mexico, incorporating recommendations from UNHCR to address the special protection needs of unaccompanied children seeking asylum in the country. UNHCR's framework for the protection of children (2012), education strategy 2012-2016, and its action strategy against SGBV (2011) complement these efforts and highlight the pressing need to strengthen child protection as an integral step towards peacebuilding and achieving sustainable solutions. UNHCR has supported States to establish best interest determination procedures and launched, together with UNICEF, guidance on measures that can be taken by States to address the growing number of unaccompanied and separated children in Europe.

61. While quantitative data on the number of refugee youth in UNHCR's operations is not available, this population clearly makes up a large percentage of persons of concern to the Office. Evidence suggests that one of the main gaps in implementing the age, gender and diversity policy is addressing the needs of youth. With limited access to post-primary education and no durable solution in sight, young people are often left in a state of limbo. In response to this finding, UNHCR has now supported more than 35 projects in 24 countries through its youth initiative fund established in 2013. The projects were designed and led by youth to address challenges which they identified within their communities, building on their capacities and empowering them.

G. Access to justice

62. The independent adjudication of claims is a key feature of legal systems governed by the rule of law. Two constraining factors in this regard are the failure to provide legal aid to those who need it and delays in affording a remedy. Refugees, IDPs and stateless persons face significant hurdles in accessing justice, including as a result of marginalization and poverty.

63. In an effort to secure access to justice for persons of concern, UNHCR provides financial and technical support to legal aid providers. In Colombia, Egypt, Kenya, Japan, Niger, Pakistan, South Africa and elsewhere, it has worked closely with civil society, lawyers and bar associations to address legal issues affecting persons of concern. In Colombia, UNHCR has assisted several universities in their efforts to provide legal aid for the displaced and, in the context of the peace dialogue, the Office advocates access to justice for IDPs and refugees. In many locations around the world, UNHCR also supports refugees in their own conflict mediation structures in refugee camps.

64. Colombia's Constitutional Court has ruled in favour of IDPs more than 150 times. Other domestic courts and judicial and quasi-judicial human rights bodies at the international and regional levels remain underused in efforts to ensure IDP protection. In 2014, together with relevant partners, UNHCR held a second annual roundtable in Geneva on strategic litigation, focusing on best practices. UNHCR has also continued to provide legal views to national and regional courts through third party interventions on issues concerning refugee and statelessness law. In 2014, UNHCR submitted 14 *amicus curiae* briefs in 11 different jurisdictions.

65. Impunity remains a major challenge in SGBV response. UNHCR hopes that the 2014 International Protocol on the Documentation and Investigation of Sexual Violence in Conflict will serve as an effective tool to promote accountability under international law. Recognizing that the deterioration of the rule of law often results in conditions that allow

crimes in general to go unpunished. UNHCR has taken steps to strengthen access to justice for survivors of SGBV. For example, UNHCR has conducted public information campaigns, facilitated access to legal representation and interpreters, and strengthened the capacity of lawyers and judges to adjudicate SGBV cases in many countries around the world. In Kenya, Ethiopia, Somalia and Uganda, UNHCR has supported State efforts to establish and administer mobile courts.

66. In the absence of prompt, structured and effective witness protection programmes, many survivors and their families withdraw from legal proceedings. In the Kakuma camp in Kenya, for example, refugees opted for legal action in only 72 of the 317 reported cases of SGBV in 2014, despite the majority having obtained legal advice. Improving access to justice also entails ensuring that refugees are educated about SGBV and women's rights; that women, men, boys and girls understand the support and remedies available if their rights are violated; and that law enforcement and formal and informal or customary justice mechanisms operate in a way that are not discriminatory in intent or effect.

V. Solutions

67. Continued instability and ongoing violence in several major countries of origin meant that far fewer refugees were able to voluntarily return home in 2014 as compared to previous years. More than 126,000 refugees returned to their countries of origin, albeit the lowest number since the early 1980s. The main countries of return were: the Democratic Republic of the Congo (25,200), Mali (21,000), Afghanistan (17,800), Angola (14,300), Sudan (13,100), Côte d'Ivoire (12,400), Iraq (10,900) and Rwanda (5,800). To ensure the sustainability of the returns, UNHCR emphasizes reintegration projects in areas of return.

68. In recognition of the link between solutions and the prevention of conflict, the United Nations Peacebuilding Fund is providing financial assistance for collective efforts to support the return and settlement of former IDPs and refugees in Kyrgyzstan. UNHCR's "seeds for solutions" initiative is funding similar efforts in Cameroon, Costa Rica, Ecuador, Ghana and Somalia. Work to ensure that refugees are consulted early in the repatriation planning stage has led to cross-border collaboration and in some cases direct engagement through tripartite commissions established to support return. Ensuring that refugees have a right to vote in elections in their countries of origin can also contribute to nation-building and foster opportunities for eventual voluntary repatriation.

69. In order to encourage sustainable return, UNHCR supports initiatives aimed at promoting confidence-building and peaceful co-existence as well as transitional justice. Housing, land and property disputes constitute obstacles to sustainable return which legal counselling programmes have helped resolve, including in Afghanistan. UNHCR and partners are supporting the authorities in the Democratic Republic of Congo, Georgia, Mauritania and South Sudan on a range of housing, land and property issues. In some cases, these initiatives were implemented in response to the Secretary-General's policy committee decision on durable solutions, and in others they were facilitated through partnership arrangements such as the transitional solutions initiative in Colombia.

70. Resettlement continued to serve both immediate protection needs and solutions, with some 105,000 individuals resettled to third countries in 2014. Meanwhile, UNHCR continued to explore the strategic use of resettlement in respect of several priority situations, including for Somalis in Kenya; Afghans in the Islamic Republics of Iran and Pakistan; Iraqis in the Syrian Arab Republic, Jordan and Lebanon; several nationalities in Turkey; Colombians in Ecuador; Congolese in the Great Lakes region of Africa; and Syrian

refugees in the Middle East. Processes to strengthen both the Working Group on Resettlement, to allow theme-focused discussions with more concrete outcomes, and the Annual Tripartite Consultations on Resettlement, were finalized in June 2014.

71. The prevention of fraud in resettlement processing remains a priority issue and one closely related to the rule of law. In 2014, UNHCR initiated a comprehensive review of its existing policy on addressing fraud perpetrated by refugees in the context of resettlement. This review aimed to expand guidance at all stages of case processing, including registration, refugee status determination and resettlement. A multifunctional steering committee was established in UNHCR to provide guidance and input to the drafting process.

72. In some situations, local integration is determined to be the most appropriate durable solution. In 2014, the United Republic of Tanzania resumed the process of local integration for some 162,000 former Burundian refugees and their children born after the last registration in 2010. By May 2015, some 149,000 citizenship certificates had been issued to the newly-naturalized Tanzanians, and they have been given the choice to remain in the settlements where they resided for decades or to relocate to other parts of the country. In Colombia, UNHCR works with the courts, the Land Restitution Unit and the Victims' Unit to facilitate the local integration of IDPs. In the Western Balkans, UNHCR continues to engage in finding solutions for the most vulnerable persons displaced as a result of the conflicts in the 1990s through the Regional Housing Programme.

73. While durable solutions remain elusive for the majority of the world's refugees, UNHCR is working with partners to strengthen resilience and self-reliance in the short-term, with the aim of decreasing dependence and preparing for solutions whenever they become available. Access to employment, skills training and education are critical for any future solution to be sustainable. UNHCR is advocating the pursuit of solutions-oriented strategies throughout the operational response, including from the outset of an emergency. This must involve wide-ranging partnerships. In this regard, UNHCR is seeking to address the issue of protracted displacement through the Solutions Alliance. In addition to working with local and national development partners on these efforts, UNHCR collaborates with the Food and Agricultural Organization, UNICEF, the United Nations Development Programme, the World Bank and the World Food Programme.

74. Through its engagement in the preparatory process of the World Humanitarian Summit, UNHCR has highlighted the need to focus on the centrality of protection as well as on solutions to protracted displacement crises by strengthening collaboration between humanitarian and development actors, and has urged that the post-2015 sustainable development agenda and national development plans be inclusive of all populations of concern. At the field level, UNHCR is working with development actors to contribute to the setting of national development priorities that will benefit IDPs, for example in the Central African Republic, Mali and South Sudan. The need for greater links to be established with development actors in order to find durable solutions to their plight is key.

75. Regional strategies can also generate critical impetus for solutions. The Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries, and the Global Initiative for Somali Refugees are examples of fostering a solutions orientation through community-based investments in areas of return, in parallel with assistance to host communities, alternative temporary stay arrangements and resettlement. Labour mobility was identified in the 2014 Brazil Declaration and Plan of Action, alongside a renewed commitment by States to voluntary repatriation, local integration and resettlement.

VI. Conclusion

76. Framing international protection in rule of law terms provides an opportunity to reaffirm the international legal framework for protection of persons of concern to the Office, strengthen national protection systems and enhance humanitarian and solutions responses. Central to the rule of law are principles such as equal treatment, fairness and transparency. The rule of law also requires access of persons of concern to the rights to which they are entitled under international and national law. The need for all actors to renew their commitment to such fundamental rule of law principles and the international protection framework emanating from them has never been greater.